

## **REMARKS**

Reexamination and reconsideration of the captioned application are respectfully requested in view of the foregoing amendments and remarks that follow.

Claims 1, 5, and 7 through 11 remain for consideration. Claims 2, 3, 4, and 6 have been canceled. In addition, claims 12 through 26 have been canceled as drawn as drawn to a non-elected invention.

Claim 1 has been amended to delineate that the originally recited anionic complexing agent is a silicone having an anionic group. Support for the amendment is found in paragraph [0025] bridging pages 15 and 16 of the specification as originally filed. Additional support is found in claims 4 and 6 as originally filed. Applicant used the term "silicone" as set forth in paragraph [0025] rather than "polysilicone" as employed in originally filed claims 4 and 6 because it is well known that "silicone" is synonymous with polymer (see Hawley's Condensed Chemical Dictionary, 14<sup>th</sup> edition, p.993, 2001). It is submitted that the term "polysilicone" is redundant in terms of defining a polymer. The inserted molecular weight recitation finds support in paragraph [0025] bridging pages 15 and 16 of the originally filed specification.

Additionally, the language of claim 1 has been amended to make it clear that the method relates to compatibilizing a composition comprising 1) an anionic rheology modifier, and 2) a cationic material by complexing the cationic material with an anionic silicone complexing agent before the anionic rheology modifier is combined with the cationic material.

Claims 5 and 7 have been amended to permit the claims to read more clearly. Some of the formulae have been changed in terms of the convention in which they are recited. However, no new material has been incorporated.

## **Double Patenting**

Upon the indication of allowable claims, applicant will offer cancel any conflicting claims in serial number 10/792,993.

**35 U.S.C. § 112**

Relying on 35 U.S.C. § 112, first paragraph, claims 1 and 2 have been rejected for reasons of record. Applicant respectfully submits that this rejection is moot in view of amended claim 1 wherein a specific complexing agent having a molecular weight of at least 1,000 Mn has been recited.

**35 U.S.C. § 102**

Relying on 35 U.S.C. § 102 (b) the Examiner rejected claims 1 to 5 and 8 to 11 as being anticipated by "Carbopol reference" of record as set forth on page 6 of the present Office Action. The Examiner states that "Mixing of the alkylamine polyglycoether sulfate with the cationic material is understood to meet the step of "complexing", as required by claim 1, since the cationic groups and anionic groups inherently form complexes when mixed." Applicant's claim 1 as amended now reads on anionic silicone complexing agents. Carbopol reference of record does not disclose anionic silicone compositions. Accordingly, claim 1 as amended is not anticipated by this disclosure. Withdrawal of the rejection is respectfully requested.

**35 U.S.C. § 103**

Relying on 35 U.S.C. § 103 (a) the Examiner rejected claims 1 to 11 as being unpatentable in view of U.S. Patent No. 5,332,762 to Maschberger et al. The Examiner states that "Maschberger teaches a method of making a homogeneous ("compatible") polymeric composition comprising Utrasil (col. 9, lines 45-48 and col. 11, lines 22-29)". The Examiner states further that "Carbopol" is a suggested additive, used as a thickener (this is, a rheology modifying agent) (col. 4, lines 40-50)." The Examiner concludes that "These elements comprise the elected species of the instant claims – combining them amounts to the method of the instant invention".

Respectfully stated, the Examiner has misconstrued the "elements" of applicants elected species. Specifically, it is pointed out that Utrasil VN3 is silica not a silicone (see attached Degussa product descriptions). Silica ( $\text{SiO}_2$ ) is an inert material and not even remotely equivalent to silicone (i.e., a polysiloxane). Silicon dioxide is the material that makes up sand and does not contain anionic functionality. Silica is used as fillers and thixotropic agents in many industrial and consumer product applications (see Hawley's Condensed Chemical

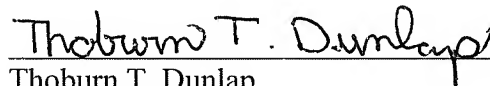
Dictionary, 14<sup>th</sup> edition, p.991, 2001). Surely, silica is not equivalent to the anionic silicones of the present invention.

It must be pointed out that Maschberger et al. teaches the use of a non functional silicone (e.g., organopolysiloxanes) in the disclosed blowing agent compositions (col. 2, lines 37 et seq.; col. 3, lines 59-61; col. 5, line 9 et seq.). However, as with the disclosed silica component the disclosed silicones are not anionically functionalized. There is no teaching anywhere in Maschberger et al. suggesting the use of anionically functionalized silicones. Moreover, there is no teaching whatsoever in Maschberger et. al. suggesting the combination of a anionic rheology modifying agent and a cationic material. Maschberger et al. does not even recognize the inherent problem of combining an anionic rheology modifying agent with a cationic material.

In view of the foregoing amendments and remarks it is submitted that the claims are in condition for allowance. Accordingly, an early Notice of Allowance with respect to the pending claims is earnestly solicited.

Should the Examiner have any questions, please feel free to call the undersigned at the number listed below.

Respectfully submitted,



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